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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,130	12/19/2005	James C. Muth	353.324	8714

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BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

EXAMINER

ING, MATTHEW W

ART UNIT	PAPER NUMBER
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3637

NOTIFICATION DATE	DELIVERY MODE
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04/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary

Application No.

10/542,130

Applicant(s)

MUTH ET AL.

Examiner

MATTHEW W. ING

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF-108)
Paper No(s)/Mail Date 12/27/05, 2/24/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 27 December 2005 & 24 February 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 24-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dahl (3,286,651).

4. Regarding claim 1, Dahl teaches a storage system, comprising: a storage unit (10); a wheel arrangement (18, 20, 22); and a guide arrangement including at least one rail (28); wherein the storage unit, the wheel arrangement and the guide arrangement comprise a set of components that are capable of being transported together in a disassembled state to an installation site including a support surface, and to be assembled at the installation site, wherein the wheel arrangement is engaged (via 22) with the storage unit and wherein the at least one rail of the guide arrangement is adapted to be secured (via 33) to the support surface of the installation site, and wherein the storage unit when assembled is engageable (via 18) with the at least one rail via the wheel arrangement to provide movement of the storage unit on the at least one rail relative to the support surface.

5. Regarding claim 2, Dahl teaches a storage system comprising a stop arrangement (34) capable of being transported together with the storage unit (10), the wheel arrangement (18, 20, 22) and the guide arrangement (28), wherein the stop arrangement is interposed between the storage unit and the rail to control the range of movement of the storage unit relative to the rail. See Fig. 1.

6. Regarding claim 3, Dahl teaches a storage system further comprising a retainer arrangement (i.e., wheel 18) capable of being transported together with the storage unit (10), the wheel arrangement (18, 20, 22) and the guide arrangement (28), wherein the retainer arrangement (18) is configured to be carried by the storage unit (10) and to selectively engage the rail to selectively maintain the storage unit in position relative to the support surface. The examiner submits that, Item 18 can be termed a "retainer arrangement", since it clearly acts (via interaction of 26 with 32) to "retain" the storage unit (10) on the rail.

7. Regarding claim 4, Dahl teaches a storage system, wherein the rail is adapted to be adhesively secured (via 33) to the support surface of the installation site. See col. 3, lines 5-14.

8. Regarding claim 5, Dahl teaches a storage system wherein the rail is adapted to be adhesively secured to the support surface by means of an adhesive (33) interposed between the support surface and a facing engagement surface defined by the rail.

9. Regarding claim 6, Dahl teaches a storage system, wherein the adhesive comprises an adhesive member (33) secured to the engagement surface of the rail.

10. Regarding claim 7, Dahl teaches a storage system, wherein the wheel arrangement (18, 20, 22) is configured to be secured to the storage unit in either a first orientation providing movement of the storage unit in a first direction or a second orientation providing movement of

the storage unit in a second direction transverse to the first direction, and wherein the rail can be engaged with the support surface so as to guide movement of the storage unit in either the first direction or the second direction. The examiner submits that whereas the wheel arrangement (18, 20, 22) on each corner is clearly capable of being secured to the storage unit in a direction traverse to the direction shown, the structure of Dahl therefore reads upon the limitations of this claim.

11. Regarding claim 8, Dahl teaches a storage system, wherein the wheel arrangement comprises a series of wheel modules (18, 20, 22 at each corner), wherein the storage unit defines a series of lower corners (Fig. 1) and wherein the wheel modules are configured for engagement with selected ones of the lower corners of the storage unit so as to selectively orient the wheels to provide movement of the storage unit in either the first direction or the second direction.

12. Regarding claims 24-31, whereas the various components of Dahl can be termed a "kit", the structure of Dahl is therefore viewed as anticipating these claims.

13. Regarding claim 24, Dahl teaches a kit, comprising: a series of storage unit components (11, 12, 14) adapted to be assembled to construct a storage unit (10); a guide arrangement including at least one rail member (28), wherein the guide arrangement is configured to engage (via 33) a support surface such as a floor; and a series of wheel members (18, 20, 22), wherein the wheel members are configured to be mounted to the storage unit and are adapted to engage the at least one rail member for providing guided movement of the storage unit relative to the support surface.

14. Regarding claim 25, Dahl teaches a kit, wherein the storage unit components, the guide arrangement and the series of wheel members comprise a set of components that are clearly

capable of being transported together in a disassembled state to an installation site including the support surface, and to be assembled at the installation site, wherein the series of wheel members (18, 20, 22) are engaged with the storage unit and wherein the at least one rail member (28) of the guide arrangement is adapted to be secured to the support surface of the installation site, and wherein the storage unit (10) when assembled is engageable with the rail member (28) via the series of wheel members (18, 20, 22) to provide movement of the storage unit on the rail member relative to the support surface.

15. Regarding claim 26, Dahl teaches a kit, further comprising a stop member (34) configured to be assembled to the rail member to control the range of movement of the storage unit relative to the rail member.

16. Regarding claim 27, Dahl teaches a kit, further comprising a retainer member (18) configured to be assembled to the storage unit, wherein the retainer member is adapted to engage the rail member (28) for selectively maintaining the position of the storage unit relative to the rail member. The examiner submits that, Item 18 can be termed a "retainer arrangement", since it clearly acts (via interaction of 26 with 32) to "retain" the storage unit (10) on the rail.

17. Regarding claim 28, Dahl teaches a kit, wherein the rail member (28) is clearly capable of being secured to the support surface by either positioning the rail member in an end-to-end relationship relative to rail members of adjacent storage units, so that the adjacent rail members are aligned to provide lateral movement of the storage units toward and away from each other, or in a spaced apart configuration in which adjacent rail members are parallel to each other so as to provide axial movement of each storage unit between an extended position and a retracted position relative to the adjacent storage units.

18. Regarding claim 29, Dahl teaches a kit, wherein the rail member is adapted to be secured to the support surface by means of an adhesive (33) interposed between the support surface and a facing engagement surface defined by the rail member.

19. Regarding claim 30, Dahl teaches a kit, wherein each wheel member comprises a wheel (18) rotatably secured to a mounting member (20), and wherein the wheel members are capable of being mounted to the storage unit by engaging (via 22) the mounting members to the storage unit to selectively position the wheel members to face in either a first direction or a second direction according to the desired direction of movement of the storage unit on the rail members. The examiner points out that the mounting members & wheels of Dahl are clearly capable of being oriented according to either a first direction, or a second direction transverse to said first direction.

20. Regarding claim 31, Dahl teaches a kit, wherein the storage unit defines a series of lower corners when assembled (Fig. 1), and wherein the mounting members (20) are adapted to be secured to the storage unit by engaging the mounting members with selected ones of the lower corners of the storage unit so as to selectively position the wheel members to face in either the first direction or the second direction.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

23. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahl (3,286,651). Dahl teach(es) the structure substantially as claimed, including a storage unit (10). The only difference between Dahl and the invention as claimed is that Dahl fail(s) to clearly teach a plurality of storage units. However, whereas mere duplication of the essential working parts of a device has been held to involve only routine skill in the art, it therefore would have been obvious to one of ordinary skill in the art to include a plurality of storage units, as taught by Dahl, in order to increase available storage capacity, thereby providing the structure substantially as claimed.

24. Regarding claim 9, Dahl teaches a storage system: a plurality of storage units (10); a guide arrangement (28) configured for engagement with a support surface, wherein the guide arrangement includes at least one guide rail for each storage unit; and a series of wheeled members (18, 20, 22) interposed between each storage unit and the guide arrangement, wherein each storage unit and its associated wheeled members include a cooperative positioning arrangement capable of positioning the wheeled members(18, 20, 22) relative to the storage unit in either a first orientation or a second orientation, and wherein the guide rails (28) are adapted to be engaged with the support surface such that movement of the storage units on the guide rails

provides movement of the storage units in a first direction when the wheeled members are in the first orientation or in a second direction transverse to the first direction when the wheeled members are in the second orientation.

25. Regarding claim 10, Dahl teaches a storage system, wherein the storage unit (10), the wheeled members (18, 20, 22) and the guide arrangement (28) comprise a set of components that are clearly capable of being transported together in a disassembled state to an installation site including the support surface, and of being assembled at the installation site wherein the at least one rail (28) of the guide arrangement is adapted to be secured to the support surface of the installation site, and wherein the storage unit (10) when assembled is engageable with the at least one rail via the wheeled members (18, 20, 22) to provide movement of the storage unit on the at least one rail relative to the support surface.

26. Regarding claim 11, Dahl teaches a storage system, wherein the rail is adapted to be adhesively secured (via 33) to the support surface of the installation site.

27. Regarding claim 12, Dahl teaches a storage system, wherein each wheeled member comprises a wheel (18) secured to a mounting member (20), wherein the mounting member forms a part of the cooperative positioning arrangement and is capable of being engaged with the storage unit in so as to orient the wheel in either the first orientation or the second orientation.

28. Regarding claim 13, Dahl teaches a storage system, wherein the wheel (18) is rotatably secured to the mounting member in a fixed location and wherein the storage unit defines a series of lower corners, wherein the mounting member (20) is configured for engagement with a selected one of the lower corners of the storage unit so as to selectively orient the wheel in either the first orientation or the second orientation.

29. Claims 14 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (3,967,868). Baker teach(es) the structure substantially as claimed, one or more storage units (14); a guide arrangement (18) including at least one rail member secured to a support surface; and a series of wheel members (36) mounted to each storage unit, wherein at least a pair of the wheel members are configured to engage the rail member (18) to provide guided movement of the storage unit relative to the support surface; wherein said rails & wheel members are capable of being oriented, and configured to move, along either of two tranverse, perpendicular directions (col. 7, lines 11-22). The only difference between Baker and the invention as claimed is that Baker fail(s) to clearly teach the method as claimed by applicant. However, whereas Baker teach(es) all aspects of the structure associated with the method claimed therein, it therefore would have been obvious to one of ordinary skill in the art, in view of the structure of Baker, to construct said structure via the method claimed by applicant, thereby providing the method substantially as claimed.
30. Regarding claim 32, Baker teaches a series of storage units (14) and a rail arrangement (18) adapted to be secured to a support surface such as a floor for providing guided movement of the storage units relative to the support surface, wherein said rails & storage units are capable of being oriented, and configured to move, along either of two tranverse, perpendicular directions (col. 7, lines 11-22).
31. Regarding claim 33, Baker teaches a series of wheel members (36) secured to the storage unit in a desired position (col. 7, lines 11-22).
32. Regarding claim 34, Baker teaches a structure wherein each wheel member (36) comprises a wheel (68) rotatably engaged with a mounting member (Fig. 4).

33. Regarding claim 35, Baker teaches a structure wherein the storage unit defines a series of lower corners (Figs. 1-2), and wherein each mounting member is engaged with a selected one of the lower corners of the storage unit so as to selectively position the wheel members to face in either a first direction or a second direction (col. 7, lines 11-22).

34. Regarding claim 36, Baker teaches a structure wherein the storage unit (14), the wheel members (36) and the rail arrangement (18) comprise a set of components that are obviously capable of being transported together in a disassembled state to an installation site including the support surface, and to be assembled at the installation site wherein the rail arrangement (18) is adapted to be secured to the support surface of the installation site, and wherein the storage unit (14) when assembled is engageable with the at least one rail (18) via the wheel members (36) to provide movement of the storage unit on the rail arrangement relative to the support surface.

35. Claims 15, 17-19, & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (3,967,868) as applied to the claim(s) above, further in view of Hoska (5,597,217). Baker teach(es) the structure substantially as claimed, including storage units (14) and rail members (18). The only difference between Baker and the invention as claimed is that Baker fail(s) to clearly teach rail members positioned in an end-to-end configuration. Hoska, however, teaches rail members (12) positioned in an end-to-end configuration. It would have been obvious to one of ordinary skill in the art to modify the structure of Baker by positioning additional rails end-to-end therein in order to extend the length of travel of the storage units, thereby providing the structure substantially as claimed.

36. Regarding claims 15, 17-19, and 37, whereas Baker as modified by Hoska teach(es) all aspects of the structure associated with the method claimed therein, it therefore would have been

obvious to one of ordinary skill in the art, in view of the structure of Baker as modified by Hoska, to construct said structure via the method claimed by applicant, thereby providing the method substantially as claimed.

37. Regarding claim 17, Baker teaches a series of wheel members (36) secured to the storage unit in a desired position (col. 7, lines 11-22).

38. Regarding claim 18, Baker teaches a structure wherein each wheel member (36) comprises a wheel (68) rotatably engaged with a mounting member (Fig. 4).

39. Regarding claim 19, Baker teaches a structure wherein the storage unit defines a series of lower corners (Figs. 1-2), and wherein each mounting member is engaged with a selected one of the lower corners of the storage unit so as to selectively position the wheel members to face in either a first direction or a second direction (col. 7, lines 11-22).

40. Claims 16, 20-23, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (3,967,868) and Hoska (5,597,217) as applied to the claim(s) above, further in view of Dahl (3,286,651). Baker & Hoska teach(es) the structure substantially as claimed, including a rail members (18 in Baker). The only difference between Baker & Hoska and the invention as claimed is that Baker & Hoska fail(s) to teach rail members adhesively secured to a support surface and a stop arrangement positioned between rail members and storage units; wherein said stop arrangement is secured to each of a pair of spaced ends, or between a pair of adjacent rail members. Dahl, however, teaches adhesively securing a rail (28) to a support surface (via 33), as well as a stop (34) positioned between said rail member and a storage unit (10). It would have been obvious to one of ordinary skill in the art to adhesively mount the rail of Baker as modified by Hoska to a support surface, and to include one or more stops upon said rail, as taught by Dahl,

in order to firmly mount said rail to a support surface, and to prevent undesired movement by said storage unit(s), thereby providing the structure substantially as claimed.

41. Regarding claims 21-23, the examiner points out that mere rearrangement of the essential working parts of a device has been held to involve only routine skill in the art, and that a stop positioned at the joint between two rail members (thus overlapping each), or at each end of a rail member, would meet the limitations of the claim.

42. Regarding claim 23, the examiner points out that the front portion of a rail member (18) of Baker as modified by Hoska & Dahl can be termed a "wheel guide", since it acts to channel the movement of a wheel. The examiner also points out that the wheel members, rail members, & stop member of the storage unit are all capable of being positioned according to the position mentioned in the claim.

43. Regarding claims 16, 20-23, and 38-41, whereas Baker, Hoska, & Dahl teach(es) all aspects of the structure associated with the method claimed therein, it therefore would have been obvious to one of ordinary skill in the art, in view of the structure of Baker, Hoska, & Dahl, to construct said structure via the method claimed by applicant, thereby providing the method substantially as claimed.

44. Claims 20-23 and 39-41 can be alternately rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (3,967,868) and Hoska (5,597,217) as applied to the claim(s) above, further in view of Brown (4,807,765). Baker & Hoska teach(es) the structure substantially as claimed, including a rail arrangement. The only difference between Baker & Hoska and the invention as claimed is that Baker & Hoska fail(s) to teach a stop arrangement positioned at spaced-apart ends of said rail, or to secured to an end area defined by each of a pair of adjacent

rail members. Brown, however, teaches a stop arrangement (combination of 51-53 & 36) positioned at spaced-apart ends of a rail, or to secured to an end area defined by each of a pair of adjacent rail members. It would have been obvious to one of ordinary skill in the art to include a stop arrangement, as taught by Brown, upon the rails of Baker as modified by Hoska, in order to reduce the ability of the storage units to move in undesired directions, thereby providing the structure substantially as claimed.

45. Regarding claims 20-23 and 39-41, whereas Baker, Hoska, & Brown teach(es) all aspects of the structure associated with the method claimed therein, it therefore would have been obvious to one of ordinary skill in the art, in view of the structure of Baker, Hoska, & Brown, to construct said structure via the method claimed by applicant, thereby providing the method substantially as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI
1 April 2008
/José V. Chen/
Primary Examiner, Art Unit 3637